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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,530	07/27/2006	Joseph W. Lindley	21799-200447	8911

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BARNES & THORNBURG LLP  
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INDIANAPOLIS, IN 46204

EXAMINER
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ADDIE, RAYMOND W

ART UNIT	PAPER NUMBER
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3671

NOTIFICATION DATE	DELIVERY MODE
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03/06/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

indocket@btlaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,530	<b>Applicant(s)</b> LINDLEY, JOSEPH W.	
	<b>Examiner</b> Raymond W. Addie	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 13-17, 21 and 23 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 11, 12, 18-20 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Haivala US 3,082,460.

Haivala discloses a concrete screed having a frame (27-34) adapted to move a screed bar over concrete.

The screed bar having 2 interior regions and 1st and 2nd attachment portions (27, 28).

A mount (15) coupling the frame to the screed bar. the mount having a core (at 16) positioned in the interior regions of the screed bar.

1<sup>st</sup> and 2<sup>nd</sup> anchors (34, 35) anchoring the 1st and 2<sup>nd</sup> attachment portions (27, 28) to the core without the 1st and 2nd attachment portions extending into the interior region of said screed bar. See Cols. 1-2.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naser et al. US 4,702,641 in view of Lindley US 5,244,305.

Naser et al. discloses a concrete screed (10) comprising:

A frame (44, 46, 48) with 1<sup>st</sup> and 2<sup>nd</sup> feet (50, 52).

A tubular screed bar (12) having a core of reinforcement material (24).

A mount (36) coupling the frame and screed.

Anchor means, such as a clevis pin, for anchoring the feet to the core without the feet extending into the interior of the screed bar (12). See Figs. 1-4, 7; Cols. 3-6.

What Naser et al. does not disclose is the use of a vibration generating device.

However, Lindley teaches it is known to provide vibration generating devices (17) to concrete screed bars (20) in order to improve compaction of wet concrete.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the concrete screed of Naser et al. with a vibration generator, as taught by Lindley, in order to improve the compaction rate of the concrete being leveled. See Figs. 1-4, Cols. 1-2.

3. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naser et al. US 4,702,641 in view of Lindley US 5,244,305 as put forth with respect to claim 1 above, and further in view of Haivala '460.

Naser et al. in view of Lindley discloses essentially all that is claimed, including a screed bar having a reinforced screed bar, having a rectangular cross-section.

But does not disclose a compound rectangular/triangular screed bar. However Haivala teaches it is known to form concrete screeds having a support frame, and a screed bar having a rectangular portion and a triangular portion forming 1<sup>st</sup> and 2<sup>nd</sup> interior chambers, separated by an interior wall (15). The triangularly shaped portion being designed to flatten level or scrape a mass of wet concrete. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the concrete screed of Naser et al. in view of Lindley, with a multi-utility screed bar, as taught by Naser et al., in order to utilize 1 tool for a variety of concrete leveling-compacting and finishing processes, which are well known in the art.

4. Claims 9, 16, 17, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haivala '460 in view of Rijkers US 6,322,286 B1.

Haivala discloses a concrete screed having a chambered, tubular, screed bar for consolidating concrete. But does not disclose inserting a fastener into the interior of the screed bar. However, Rijkers teaches it is known to provide concrete screeds with a mounting bracket (9) that is mounted to the both sides of a tubular screed bar (2), and a fastener (30) extending through said screed bar (2), thereby securing the screed bar (2) directly to a vibration generator (8). Therefore, it would have been obvious to provide the concrete screed of Haivala with a vibration generator mounted directly to both sides of a screed bar, as taught by Rijkers, in order to evenly distribute compaction forces, along the screed bar length and width. See Cols. 1-4; Figs. 2, 3.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haivala '460 in view of Rijkers US 6,322,286 B1, as put forth with respect to claim 9 above, and further in view of Naser et al. '641.

Haivala in view of Rijkers discloses essentially all that is claimed, to include a chambered, tubular, screed bar, but does not disclose the use of a reinforcement device completely filling the 1<sup>st</sup> chamber. However, Naser teaches it is known to provide a tubular screed bar (12) with a reinforcement device (24) that completely fills the 1<sup>st</sup> chamber, thereby increasing the rigidity of the screed bar. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the screed bar of Haivala in view of Rijkers, with a reinforcement material, as taught by Naser et al., in order to prevent sagging and warping of the screed bar, as is known in the art.

6. Claims 13, 14, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haivala '460 in view of Rijkers US 6,322,286 B1, as put forth with respect to claims 8, 16 above, and further in view of Record US 5,980,154.

Haivala in view of Rijkers discloses essentially all that is claimed except for the use of "quick connect" couplings. However, Record teaches it is advantageous to attach screed bars (30) to a frame assembly (21), in order to expedite replacing of worn or broken screed bars.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the screed bar of Haivala in view of Rijkers, with quick connect couplings, as taught by Record, in order to expedite replacing of worn or broken screed bars, which is known to occur in the art. Figs. 1-5; Cols. 2-4.

### ***Allowable Subject Matter***

7. Claims 6, 7, 11, 12, 18-20, 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 7am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond W. Addie/  
Primary Examiner, Art Unit 3671

3/2/2009